IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 31898 of 2006(V)

PETITIONERS:
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1. **SARASAMMA, VAZHAPPALLI KIZHAKKETHIL,**
   PALLICKAL VADAKKEKARA, PANAYIL PO.,
   PALAMEL VILLAGE.

2. **RAJAN, CHALATHUNDIL,**
   PALLICKAL VADAKKEKARA, PANAYIL P.O.,
   PALAMEL VILLAGE.

3. **MAHORAN, VAZHAPPALLI KIZHAKKETHIL,**
   PALLICKAL, VADAKKEKARA, PANAYIL P.O.,
   PALAMEL VILLAGE.

4. **RAVINDRAN, CHETTIYANTTE AYYATHU,**
   PALLICKAL, VADAKKEKARA, PANAYIL P.O.,
   PALAMEL VILLAGE.

BY ADV. SRI.RINNY STEPHEN

RESPONDENTS:
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1. **DY.S.P., DY.S.P. OFFICE,**
   CHENGANNOOR.

2. **CIRCLE INSPECTOR OF POLICE,**
   C.I. OFFICE, MAVELIKKARA.

3. SUB INSPECTOR OF POLICE,
POLICE STATION, NOORANAD.

4. R.GOPAKUMAR, THUNDUTHARAYIL,
PALLICKAL P.O., PALLICKAL VILLAGE.

*ADDL.R5 IS IMPLEADED:

R5. PALLICKAL GRAMA PANCHAYATH,
PALLICKAL, ADOOR TALUK,
REP. BY ITS SECRETARY, PANCHAYATH OFFICE,
PALLICKAL P.O.

(*ADDL.R5 IS IMPLEADED AS PER ORDER DTD. 14/12/2006 IN I.A.NO.17173/06)

BY ADV. SRI. K.SHAJ
SRI.SAJJU.S
SRI.B.BALRAJ
BY GOVERNMENT PLEADER SRI. SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.31898/2006 V

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE COUNTER AFFIDAVIT FILED ON 16/06/2006 BY THE PETITIONERS BEFORE THIS HON'BLE COURT IN WP(C) NO.14836/06.**

EXT.P2: **COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C) NO.14826/2006.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 31898 OF 2006-V

Dated 4th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners have approached this Court,alleging that the 1st respondent is harassing them at the instance of the 4th respondent. It is common case that while the 5th respondent renovated Arattuchira, which is a lake, by removing silt and clay from it, the same was deposited in the properties of the petitioners. According to the petitioners, for constructing a road to the chira, gravel was removed from their properties, subject to the condition that same quantity of clay will be deposited there. As part of the agreement, the contractor who renovated the chira, deposited the clay in the properties of the petitioners. Neither the Panchayat nor any one claiming through the Panchayat has got any right over it, it is submitted. When the 4th respondent, who got the right from the Panchayat to remove the clay which was deposited in the properties of various persons, tried to enter the

properties of the petitioners, they resisted the same. The Panchayat and the 4th respondent filed a writ petition before this Court, seeking police protection. The motion for protection was rejected as far as the petitioners herein were concerned. Later, the petitioners submit, the 4th respondent filed a petition before the 1st respondent based on that petition, the 1st respondent is harassing them, to allow the 4th respondent to remove the clay deposited in their land. So, this writ petition is filed, seeking appropriate reliefs.

2. The learned Government Pleader, upon instructions, submitted that on receiving the petition from the 4th respondent the 1st respondent only summoned the petitioners. They were not harassed. The learned counsel for the 4th respondent submitted that there is a civil suit pending between him and the petitioners concerning the right to remove the clay, before the Munsiff's Court, Mavelikkara.

3. The police have no right or authority to interfere in the civil dispute between the petitioners and the 4th respondent. The same has to be settled before the competent civil court. We record the submission of the learned Government Pleader that the 1st respondent has not and will not

harass the petitioners in connection with the above civil dispute.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/